

# Transmission Renaissance 2008

## National Corridors and FERC Backstop Siting Authority

*What Is the Path Going Forward?*



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# National Interest Electric Transmission Corridors

- Based on the results of the 2006 Congestion Study, the Department designated two National Corridors last October:
  - The Mid-Atlantic Area National Corridor
  - The Southwest Area National Corridor
- The Department's decision to designate these corridors has been challenged by 13 petitions for review, now consolidated in the Ninth Circuit, where litigation is expected to continue into 2010.
- It will be at the discretion of the next Administration to decide whether or not to designate additional National Corridors.



# Next Steps for Section 216(a)

## Preparation of the 2009 Congestion Study:

- DOE hosted 6 regional workshops this summer to seek information on transmission congestion-related developments and metrics.
- Bilateral meetings have been held to collect additional information from State officials and others.
- OE has also initiated preliminary analyses of transmission congestion data since January 2007 for the Western (TEPPC) and the Eastern (LBNL – OATI) Interconnections.
- DOE intends to hold at least one additional technical conference in early 2009 to discuss these analyses as DOE prepares to draft the Congestion Study.
- This Congestion Study is on schedule to be published in August 2009.



# Review of Future Transmission Needs

- OE has begun a review of current regional transmission studies prepared by States, regional entities, and utilities.
- This review will identify the range of assumptions regarding:
  - Future generation types and location.
  - Location, pattern, and magnitude of future demand.
- This review will also:
  - Highlight unique study methodology or novel methods to present the results.
  - Identify any geographic gaps in the scope of these studies.



# **Coordination of Federal of Transmission Review**

## **Section 216 (h)**

**The Energy Policy Act of 2005 (EPAct) added Section 216(h) to the Federal Power Act (FPA). This section:**

- Requires DOE to act as the lead agency for coordinating all applicable Federal authorizations and related environmental reviews required under Federal law in order to site an electric transmission facility.
- Provides transmission developers the opportunity to seek DOE assistance in coordinating reviews by multiple Federal agencies.
- Will help to ensure timely and efficient Federal reviews and permit decisions.



# Coordination of Federal of Transmission Review

## Section 216 (h)

### Procedures for Implementing Section 216(h):


- An Interim Final Rule and a Notice of Proposed Rulemaking (NOPR) were published in the *Federal Register* on September 19, 2008 (73 FR 54456):
  - Interim Final Rule: becomes effective on October 20, 2008. Written comments must also be received by October 20, 2008.
  - NOPR will be replaced by final rule after consideration of public comments, which are due by November 3.
  - Comments received by DOE will be posted on the 216(h) webpage: [http://www.oenergy.gov/fed\\_transmission.htm](http://www.oenergy.gov/fed_transmission.htm).



# Interim Final Rule

## Section 216(h)

- Sets forth DOE's internal procedures and implements the 2006 Memorandum of Understanding among DOE and 8 other Federal Agencies.
- DOE interprets "lead agency" as the coordinating agency; not the NEPA-LEAD agency. DOE will follow CEQ guidelines in the selection of the lead NEPA compliance agency.
- DOE will provide coordination of Federal authorizations if requested by project developers.
- To access the requests for DOE Coordination of Federal Transmission Authorizations, click the [link](http://www.oenergy.gov/fed_transmission.htm) at the right-hand side of the 216(h) webpage:  
**[http://www.oenergy.gov/fed\\_transmission.htm](http://www.oenergy.gov/fed_transmission.htm)**.



# Notice of Proposed Rule Making

## Section 216(h)

- Requires authorizing Federal agencies to notify DOE of applications received related to siting transmission projects that may require an EIS.
- Defines the starting time for the “one year” by which Federal agencies must make a decision on a transmission siting application:
  - 30 days after the close of the comment period on a Draft EIS;
  - Date of the issuance of a “Finding of No Significant Impact” resulting from an environmental assessment; or
  - Date of a determination that the Federal authorization is subject to a Categorical Exclusion.
- Public comment period closes on November 3, 2008.



# Section 368 Status

- Currently, DOE continues to work with Federal land agencies to conclude the Programmatic Environmental Impact Statement (PEIS) relating to designation of energy transportation corridors on Federal lands in the 11 contiguous Western States.
- The Draft PEIS was issued in November 2007 and the final PEIS is expected in November 2008.
  - Land agencies are expected to amend their relevant land management plans by early January.
- An Advanced Notice of Intent was published in the *Federal Register* on October 3, 2008, to initiate a similar process for Federal lands in the rest of the United States.